

Instrument # 973513  
Bonner County, Sandpoint, Idaho  
01/05/2021 11:05:12 AM No. of Pages: 10  
Recorded for: BCCC  
Michael W. Rosedale Fee: \$0.00  
Ex-Officio Recorder Deputy  
Index to: MISC



**Resolution #21-01**

**Planning**

**File #VS0002-20**

**RESOLUTION NO. 21 61**

**PLAT VACATION  
For Eric Nunes  
PLANNING DEPARTMENT FILE #VS0002-20**

**WHEREAS**, Eric Nunes filed a petition with Bonner County, Idaho for the vacation (abandonment) of the Plat of Vista Lago 1 according to instrument number 915636 thereof recorded in the records of Bonner County, Idaho; and

**WHEREAS**, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of that Plat (Planning Department File #VS0002-20) on December 9, 2020, pursuant to the procedures of Idaho Code §50-1306A and IC §50-1317; and

**WHEREAS**, following the duly noticed public hearing, the Bonner County Board of Commissioners did adopt findings of fact and conclusions of law in support of the abandonment of the subject Plat, concluding that:

- 1.) This proposal is compliant with the vacation criteria and standards set forth at Idaho Code §50-1306A and §50-1317.
- 2.) No public agency has objected to the proposed plat vacation. There are no utilities easements located within the areas that are proposed to be vacated, according to the application. Local utility providers were routed as part of agency review, and none responded. And
- 3.) By granting this petition for vacation, the easement will not be vacated according to the included survey and legal description. The 60-foot easement known as Jeep Trail Road will continue to exist per instrument 913580.

**WHEREAS**, pursuant to the Board's condition of approval, the petitioners have paid all legal advertisement and recording costs for the vacation proceedings.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners, Bonner County, Idaho, that the Plat of Vista Lago 1 is hereby vacated, described in the attached Exhibit A.

**BE IT FURTHER RESOLVED** that all easements, franchise rights, appurtenances, or any other interests of any property owner or public utility in or across the property in question shall not be impaired by the granting of the vacation.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on 1/5/21.

**BONNER COUNTY BOARD OF COMMISSIONERS**

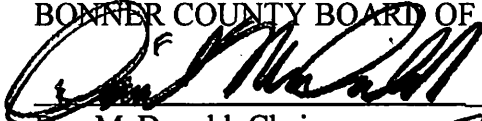
Chairman Dan McDonald: AYE

Commissioner Steve Bradshaw: AYE

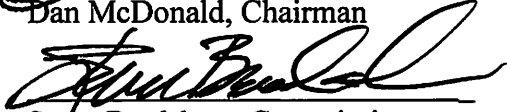
Commissioner Jeff Connolly:

Aye

BONNER COUNTY BOARD OF COMMISSIONERS



Dan McDonald, Chairman

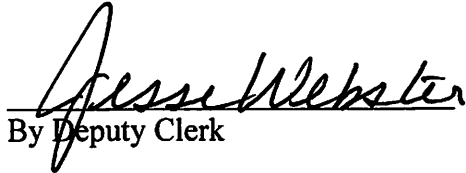


Steve Bradshaw, Commissioner



Jeff Connolly, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

1/5/21  
Date

Legal: \_\_\_\_\_



# Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: [planning@bonnercountyid.gov](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

December 30, 2020

## Memorandum

To: Board of County Commissioners

From: Milton Ollerton, Bonner County Planning Director

Re: Vacation, VS0002-20

This is the resolution finalizing the vacation of Vista Largo 1 Plat. On December 9, 2020 the Board held a public hearing and determined the granting of the vacation is in the public interest.

Recording the resolution completes this file.

The plat is located off Jeep Trail Road in a portion of Section 12, Township 57 North, Range 02 West.

Legal Review: \_\_\_\_\_

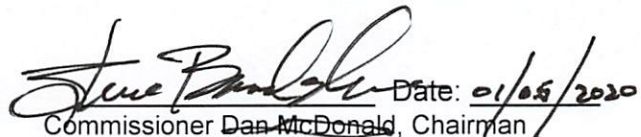
Distribution: Milton Ollerton  
Jeannie Welter

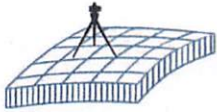
(Recommendation)

Staff recommends the Board approve the resolution for vacating the Vista largo 1 Plat. File VS0002-20.

I move to approve (Ratify) Resolution # 21- 1 vacating Vista Largo 1 Plat, thereby creating a parcel of 81.02 acres as described in the attached legal.

Recommendation Acceptance:  Yes  No

  
Commissioner Dan McDonald, Chairman Date: 01/05/2020



**GLAHE & ASSOCIATES, Professional Land Surveyors**

P.O. Box 1863  
303 Church Street  
Sandpoint, ID 83864

Phone: (208) 265-4474  
Fax: (208) 265-0675  
Website: glaheinc.com

FLOKI-Plat Vacation Legal Desc.  
81.02 ACRES

Bonner County, Idaho  
Section 6 & 7, Township 57 North, Range 2 West, B.M.

A PARCEL OF LAND PREVIOUSLY PLATTED AS VISTA LAGO 1, RECORDED IN BOOK 12 OF PLATS, PAGE 91, INSTRUMENT NO. 915636 AND BEING IN A PORTION OF SECTION 6, AND A PORTION OF SECTION 7, TOWNSHIP 57 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO, AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6, MARKED WITH A 2" DIAMETER ALUMINUM CAP BY PLS 6107, FROM WHICH; THE SOUTHEAST CORNER OF SAID SECTION 6, MARKED WITH A 3-1/4" DIAMETER ALUMINUM CAP BY PLS 882, BEARS NORTH 89°56'26" EAST, A DISTANCE OF 2648.52 FEET;

THENCE ALONG THE NORTH-SOUTH CENTER-OF-SECTION LINE OF SAID SECTION 6, NORTH 00°00'32" EAST, A DISTANCE OF 51.07 FEET, MORE OR LESS, TO THE CENTER LINE OF AN EXISTING ROAD MARKED WITH A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE LEAVING SAID NORTH-SOUTH CENTER-OF-SECTION LINE AND ALONG SAID ROAD CENTER LINE, THE FOLLOWING SIX (6) COURSES:

1. NORTH 85°49'18" EAST, A DISTANCE OF 101.04 FEET TO A POINT OF TANGENTIAL CURVATURE;
2. THENCE ALONG A CURVE TURNING TO THE LEFT, CONCAVE TO THE NORTHERLY, WITH A DELTA ANGLE OF 50°31'34", A RADIUS OF 100.00 FEET, AND AN ARC LENGTH OF 88.18 FEET TO A POINT OF TANGENT;
3. THENCE NORTH 35°17'44" EAST, A DISTANCE OF 115.30 FEET TO A POINT OF TANGENTIAL CURVATURE;
4. THENCE ALONG A CURVE TURNING TO THE LEFT, CONCAVE TO THE NORTHWESTERLY, WITH A DELTA ANGLE OF 24°42'46", A RADIUS OF 150.00 FEET, AND AN ARC LENGTH OF 64.70 FEET TO A POINT OF TANGENT;
5. THENCE NORTH 10°34'58" EAST, A DISTANCE OF 296.88 FEET;

6. THENCE NORTH 01°04'29" EAST, A DISTANCE OF 67.78 FEET TO A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE LEAVING SAID ROAD CENTER LINE, SOUTH 89°56'14" WEST, A DISTANCE OF 439.45 FEET, MORE OR LESS, TO THE CENTER LINE OF AN EXISTING ROAD, MARKED WITH A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE ALONG SAID ROAD CENTER LINE, NORTH 06°23'39" WEST, A DISTANCE OF 221.47 FEET, TO A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE LEAVING SAID ROAD CENTER LINE, SOUTH 89°56'14" WEST, A DISTANCE OF 1,180.12 FEET, TO THE EAST LINE OF GOVERNMENT LOT 11 OF SAID SECTION 6, MARKED WITH A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE ALONG SAID EAST LINE, SOUTH 00°07'50" WEST, A DISTANCE OF 834.38 FEET, TO THE SOUTH LINE OF SAID SECTION 6, MARKED WITH A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE LEAVING SAID EAST LINE, AND ALONG SAID SOUTH LINE, SOUTH 89°52'34" WEST, A DISTANCE OF 1,028.43 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 6, MARKED WITH A 2" BRASS CAP BY PLS 974, PER CP&F RECORDED AS INSTRUMENT NO. 716126, RECORDS OF BONNER COUNTY, IDAHO;

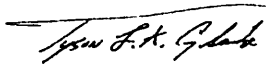
THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE OF SECTION 7 OF SAID TOWNSHIP 57 NORTH, RANGE 2 WEST, SOUTH 00°15'01" WEST, A DISTANCE OF 569.26 FEET TO A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE SOUTH 69°28'07" EAST, A DISTANCE OF 463.12 FEET TO A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

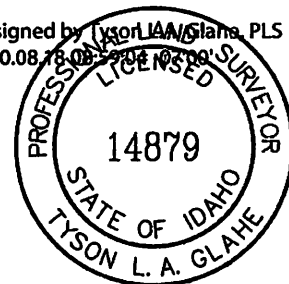
THENCE SOUTH 71°27'33" EAST, A DISTANCE OF 1,999.60 FEET, TO AN ALUMINUM CAP;

THENCE NORTH 13°23'40" EAST, A DISTANCE OF 80.00 FEET, TO THE CENTER-NORTH 1/16 CORNER OF SAID SECTION 7, MARKED WITH A 5/8" DIAMETER REBAR AND CAP BY PLS 14879;

THENCE ALONG THE NORTH-SOUTH CENTER-OF-SECTION LINE OF SAID SECTION 7, NORTH 00°17'09" EAST, A DISTANCE OF 1,294.79 FEET, TO THE POINT OF BEGINNING, ENCOMPASSING AN AREA OF 81.02 ACRES.



Digitally signed by Tyson L. A. Glahé, PLS  
Date: 2020.08.18 08:59:04 -0700





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December 10, 2020

Eric Nunes  
3919 Sorrel Vine Dr  
Wesley Chapel, FL 33544

Subject: VS0002-20 – Vacation of Vista Largo 1 Plat

Dear Mr. Nunes:

The Bonner County Commissioners at the December 9, 2020 public hearing approved the referenced petition with conditions. The ordinance and standards used in evaluating the petition and the reasons for approving the petition are as follows:

**MOTION:** Commissioner Connolly moved to approve this petition, FILE VS0002-20, Vacation of Vista Largo 1 Plat, finding that it is in accord with Idaho Code enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Connolly further moved to adopt the following findings of fact, conclusions of law and conditions of approval as written. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. After stepping down from the Chair, Commissioner McDonald seconded the motion.

**VOTED** upon and the Chair declared the motion carried, unanimously.

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### Overview:

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#### A. Site data:

Plat acreage: ±80.4 acres

Hydrologic Features: None.

Flood Hazard Zone: None. Entire property is within SFHA Zone X, per FIRM Panel 16017C0695E, Effective Date 11/18/2009 & FIRM Panel 16017C0715E, Effective Date 11/18/2009.

Wetlands: None mapped.

Slope: Virtually the entire property is sloped 15%-29% and 30%+ per USGS.

Soils: Treble, high precipitation-Rock outcrop complex, 35 to 65 percent slopes; Vay-Ardtoo association, 35 to 65 percent slopes; Pend Oreille silt loam, 5 to 45 percent slopes; Hun gravelly silt loam, 35 to 65 percent slopes.

Area to be vacated: ±80.4 acres

**B. Access:** Access to the property is provided via Jeep Trail Rd, a private that is not county maintained.

**C. Standards review:**

The project has been reviewed for conformance with Idaho Code §50-1306A, Vacation of Plats - Procedure, and Idaho Code §50-1317. The following facts relate to the standards of review:

- The petition to vacate a platted area complies with all State procedures set forth in IC §50-1306A and IC §50-1317.
- In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and existing travelway - these easements are to be left intact and are not vacated through the provisions of this petition.
- Abandonment would not impede or deprive any property of legal access.

**D. Agency Review**

The petition was routed to the following agencies on November 10, 2020.

|  |   |
|--|---|
| Panhandle Health District              | Idaho Department of Fish and Game         |
| Idaho Department of Water Resources    | Idaho Department of Environmental Quality |
| School District #84                    | Idaho Department of Lands (Sandpoint)     |
| Bonner County Road & Bridge Department | Northern Lights                           |
| U.S. Army Corps (Coeur d'Alene)        | Bonner School District – transportation   |
| West Side Fire                         | Avista Utilities                          |
| Bonner County Assessor's Office        | Area of City Impact: Sandpoint            |
| Bonner County Schools – Transportation | U.S. Fish and Wildlife Service            |

All routed agencies responded with no comment, or did not respond.

**E. Public Notice & Comments**

There have been no public comments at the time this staff report was produced.



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## **Conclusions of Law:**

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**The Overview section of the staff report above is the basis for all of the following findings of fact and conclusions of law. Based upon the findings of fact, the following conclusions of law are adopted:**

### Conclusion 1

This proposal is compliant with the vacation criteria and standards set forth at Idaho Code §50-1306A and §50-1317.

### Finding

No public agency has objected to the proposed easement vacation. There are no utilities easements located within the areas that are proposed to be vacated, according to the petition. Local utility providers were routed as part of agency review, and none responded.

### Conclusion 2

By granting this petition for vacation, the easement will be vacated according to the included survey and legal description.

### Finding

The 60-foot easement known as Jeep Trail Road will continue to exist per instrument 913580. The vacation does not include utility easements.

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## **Conditions of approval:**

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1. The vacation of the above-described platted area shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the petitioner and shall be paid prior to the recording of this vacation.

Furthermore, Condition 2 indicates the following:

“The costs for legal advertisements and recording fees shall be borne by the petitioner and shall be paid prior to the recording of this resolution vacating the right-of-way.”

Notice of public hearing mailed via certified mail on November 10, 2020  
(33 at \$6.40 each) \$211.20

Notice of public hearing mailed via 1<sup>st</sup> class mail on November 10, 2020  
(7 at \$0.55 each) \$3.85

Legal Notice published 11/10/20 & 11/17/20 \$74.21

**TOTAL DUE: \$289.26**

**NOTE:** Following any final decision concerning a site-specific land use request, the applicant has a right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code (*Idaho Code §67-6535(3)*).

Please contact this department if you have any questions.

Sincerely,



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Milton Ollerton, Planning Director

c: Jeremy Grimm, Whiskey Rock Planning + Consulting, Project Representative